

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45889 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- Excise P.S. District- Madhepura

1.

Manikant Kumar S/o Late Jageshwar Yadav R/o vill - Kamalpur, ward no. 5,
P.S. - Ghailardh, Distt. - Madhepura
2.

Shankar Kumar S/o Late Jageshwar Yadav R/o vill - Kamalpur, ward no. 5,
P.S. - Ghailardh, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Madhepura Excise P.S. Case No. 76 of 2024 for the offence punishable under sections 30(a) of Bihar Prohibition and Excise Act 2018 lodged on 05.04.2024 by the informant, Shailendra Kumar.

3. As per the prosecution story, the informant on the basis of secret information, raided the place and recovered/seized 30 liters of country made ‘chulai’ liquor and 450 liters of raw materials. Those present, gave the name of the persons escaped as the petitioners herein. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that



nothing has been recovered from their conscious possession, they are students, have nothing to do with this alleged recovery and they do not have criminal antecedent.

5. Mr. Jitendra Kumar Singh, learned APP opposes the prayer submitting that the locals gave the name of the petitioners who escaped.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that both the petitioners are of young age and do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Session Judge-VII-cum-Special Judge, Excise-II, Madhepura, in connection with Madhepura Excise P.S. Case No. 76 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official



document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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